

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1719 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

NATIONAL DAIRY DEVELOPMENT BOARD

Versus

ARUNBHAI N PATEL

Appearance:

MR DC DAVE for Petitioner
RULE SERVED for Respondent No. 1, 2, 3, 4, 5, 6,
7, 8, 9,10

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 22/09/2000

ORAL JUDGEMENT

#. This petition under Articles 226 and 227 of the
Constitution seeks to challenge the award of the
Industrial Tribunal dated 20.2.1985 in Complaint (IT)
No.194/1984.

#. The Learned Counsel for the petitioner submitted that the apprehension of the petitioner was that, by virtue of the impugned award, the petitioner would not be in a position to issue warning in the case of misconduct committed by its workman. It is, however, conceded that in the facts of the present case, on the basis of certain admissions the Tribunal had concluded that the provisions of Sec.33(1)(b) were attracted and also found that the misconducts as alleged were not committed. Obviously, it would be open for the petitioner, in case of any other or subsequent misconduct of any workman, to deal with the same and pass appropriate order of punishment including that of issuance of warning in accordance with the rules applicable in that regard.

#. In view of the observations as above, the Learned Counsel for the petitioner seeks permission to withdraw this petition. Permission is granted. Rule is discharged with no order as to costs.

kks